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38235
MEADWESTVACO CORPORATION
299 Park Avenue - 18th Floor
New York, NY 10171

In re Application of
FREITAG *et al*
U.S. Application No.: 10/598,505
PCT No.: PCT/US2005/006871
Int. Filing Date: 04 March 2005
Priority Date: 05 March 2004
Attorney Docket No.: CPG 03-56 PM US
For: RECORDING MEDIUM STORAGE
PACKAGE HAVING IMPROVED
ROSETTE

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 06 August 2008.

BACKGROUND

On 18 June 2008, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 06 August 2008, applicants filed the subject response which was accompanied by, *inter alia*, a declaration signed by two of the three joint inventors on behalf of the nonsigning inventor; a \$130.00 surcharge fee; a \$200.00 petition fee; a statement of facts by Ivette Reyes; and exhibits 1 - 5.

DISCUSSION

Applicants claim that co-inventor James Philippe refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

The \$200.00 petition fee has been paid. Petitioners have shown that a complete

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copy of the subject application was mailed to the nonsigning inventor on 12 April 2007 and received on 14 April 2007. Petitioners also provided a copy of an email dated 25 April 2007 from the nonsigning inventor which constitutes a written refusal to cooperate as contemplated by section 409.03(d)(II) of the MPEP. The last known address of the nonsigning inventor was provided. An executed declaration signed by two of the three named inventors was submitted. This declaration meets the requirements of section 409.03(a) of the MPEP and complies with 37 CFR 1.497(a) and (b).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is GRANTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 March 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 04 August 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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Mr. Philippe:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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